

LINCOLN PLANNING BOARD

MARCH 23, 2005

MINUTES

The regular meeting of the Planning Board was held on Wednesday, March 23, 2005, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 7:05 p.m. The following members were present: John Hunt, John Mancini, Gregory Mercurio, Gerald Olean and Michael Reilly. Absent were Diane Hopkins and David Lund. Also in attendance were Town Planner Albert Ranaldi, Town Engineer N. Kim Wiegand, and Assistant Town Solicitor Roger Ross. Margaret Weigner kept the minutes.

Chairman Mancini advised five members present; have quorum.

SECRETARY'S REPORT

There was no secretary report for review.

CONSENT AGENDA

Chairman Mancini stated that any item on the consent agenda could be removed and discussed separately by making a motion. There are

two zoning items on the agenda for consideration and one Planning Board of Appeals item.

Mr. Reilly made a motion to separate the application for Norman Beretta, Plat 37, Lot 279 from the Zoning Agenda. He would like the application considered separately. Mr. Mercurio seconded motion. Motion passed unanimously.

Mr. Olean made a motion to accept the Consent Agenda as recommended by the Technical Review Committee (TRC). Mr. Mercurio seconded motion. Motion passed unanimously.

Chairman Mancini stated that since Mr. Reilly asked for a separate discussion on one Zoning Application, that item will be moved down to Item #7.

MAJOR SUBDIVISION REVIEW

- a. Lipka Subdivision AP 38 Lot 10 Preliminary Plan Discussion/
Olida Michaud Plante Living Trust 430 Old River Road Approval**

Mr. Ranaldi stated that this is a subdivision of one lot into three. This project was elevated to a major subdivision because a waiver was needed for 2 ½:1 ratio. The Board has until May 14, 2005 to approve, approve with conditions, or deny. The issue of the waiver

has been addressed in the past and the TRC feels that the waiver should be granted. The Water Commission asked the applicant for an easement to connect Central Street in Manville and the applicant has agreed. Concerns for access to the cemetery will also be settled within this easement. The TRC recommends approval with the following conditions:

1. An open space fee of 10% of the sale price of the newly created lots or 10% of the assessed value, whichever is greater be conveyed to the Town upon sale of the new lots.
2. The seasonal high groundwater must be assessed by a soil evaluator and witnessed by the Engineering Division at the time that the lots are built on. A condition of any approval must be a note on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.
3. Each sewer connection must be approved by the Narragansett Bay Commission.
4. Each proposed driveway must receive a Department of Transportation Physical Alteration Permit.
5. The proposed driveway for Lot #3 must be described and restricted in the new deed according to the location shown on the submitted plans.
6. All recommendations from the traffic study shall be included on the final plan.
7. The applicant shall grant a 20 foot waterline easement from the end of "upper" Central Street to the end of "lower" Central Street to the

Lincoln Water Commission. Public access to the cemetery can be obtained from this easement also.

Surveyor Rick Dursin represented the applicant. Chairman Mancini asked him if he had authority to approve the conditions and he responded that he did. Mr. Dursin stated that the applicant will give a 20' easement to the Water Commission and the Water Commission would apply for permit to cross wetlands. A 10' easement for cemetery was also given. There will be a note on the final plans for driveway on Lot #3 so that the future owner will know about the driveway location. A Physical Alteration Permit (PAP) will be required from RI Department of Transportation (RIDOT). Permanent markers on all corners of the lots will be installed. No variances are required.

Mr. Olean questioned the easements. Mr. Dursin stated that a 20' utility easement will also have a 10' walkover easement. Mr. Ross will review the easements.

Mr. Olean made a motion to accept the recommendations of the TRC and grant Preliminary Plan approval with conditions. Mr. Reilly seconded motion. Mr. Mercurio stated that the recommendations of the traffic engineer's report should also be a condition of approval. Ms. Wiegand stated that the motion can be amended but the town will have to petition the state for the signs recommended in the traffic report as it is a state road. Mr. Ross advised that the town would have to petition the state.

Mr. Olean amended the motion to add #8 – The town will petition the state to install appropriate signs. Mr. Reilly seconded motion. Motion passed unanimously.

**b. Sables Road Subdivision AP 44 Lot 33 Master Plan Discussion/
E. A. McNulty Angell & Lantern Roads Approval**

Mr. Ranaldi stated that this is a seventeen lot conventional single-family subdivision. The Board has until July 14, 2005 to approve, approve with conditions, or deny application.

Attorney Michael Kelly stated that the applicant last appeared before the Board on February 23, 2005. They have had several meetings with Town staff to resolve sewer issues. Mr. Kelly stated that an application was first submitted in 1997, Master Plan approval was granted in 1998, but Preliminary Plan was elusive due to utilities. Then a Comprehensive Permit application was filed, and now the applicant is back to a conventional subdivision.

The applicant is willing to repave Lantern Road at the beginning of the project all the way out and widen the bottleneck area. The culvert near Whipple Road would also be improved and the applicant would like the Town to be the applicant for the RIDEM permit process for the improved culvert. Wetlands issues have been addressed. Drainage

issues will be addressed and a swale is proposed along East Lantern Road with an easement and a rail fence so that homeowners can not disturb the swale. The sewer issue is a bigger problem. One proposal would require easements and would eliminate the Rollingwood pumping station and require new sewer connections to three existing houses. Another proposal would be to replace the Rollingwood pumping station with a new pumping station that would service the new development as well as existing homes. The third option would be to install a new pumping station on site and set up an escrow account to cover future maintenance of the new pumping station. Ms. Wiegand stated that the town is in favor of replacing the Rollingwood pumping station. The town does not want to add another pumping station. Since Rollingwood is one of the older pumping stations, the town will work with the developer to come up with a solution. The water lines will start at Angell Road, down Lantern and East Lantern Roads and will be looped back again.

Mr. Ranaldi reminded the Board that they have until July 14th to make a decision. Chairman Mancini stated that at the Master Plan level, the Board has to determine whether the concept is satisfying. The Board should move forward with the public informational hearing to hear the concerns of the abutters. Mr. Ranaldi stated that the town does not have an issue with the concept of the project. The applicant has not had discussions with the abutters yet.

Mr. Kelly requested that a public informational meeting be held in

April and that representatives of the town contact property owners about easements. They would like to replace Rollingwood pumping station and put a new pumping station on site.

Chairman Mancini asked if there would be any changes to the configurations of the lots and Mr. Kelly stated that there would be no changes. Mr. Ranaldi stated that the lot configurations can not deviate from the submitted plans. The town is concerned with the looping of the water lines and the sewer issue. Improvements to Lantern Road in lieu of open space would make a bad situation a little better. Chairman Mancini stated that he thought open space fees were to be used to buy open space.

Mr. Mercurio made a motion to move to public informational meeting in April to receive public comments on project. Mr. Olean seconded motion. Motion passed unanimously.

MINOR SUBDIVISION REVIEW

a. Beck Property Subdivision AP 44 Lot 8 Preliminary Plan Discussion/

Brian & Tracey Beck Lantern & Whipple Road Approval

Mr. Ranaldi stated that this is a minor subdivision of one lot into two and directly abuts the Sables Road Subdivision. The Board has until April 21, 2005 to approve, approve with conditions or deny. The TRC

recommends approval with the following conditions:

- 1. Final Plans must show the abutting property owner's Individual Sewer Disposal System (ISDS) and well to ensure that there is proper distance between the existing and proposed systems.**
- 2. The applicant must apply for and receive a preliminary wetland determination for the proposed lot area.**
- 3. The applicant must provide approvals from RIDEM for the proposed wells and septic systems.**
- 4. The developer must utilize the soil evaluations performed for the ISDS to establish the depth to seasonal high groundwater in order to determine proposed house finished floor elevation. A condition of any approval must also include as a note on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.**
- 5. Before a building permit is given out, the applicant must submit a sedimentation and erosion control plan to Engineering for approval. The sedimentation and erosion control plan submitted to RIDEM Wetlands is acceptable.**
- 6. An open space fee of 10% of the sale price of the newly created lot or 10% of the assessed value, whichever is greater be conveyed to the Town upon sale of the new lot.**

Chairman Mancini asked what the distance is for ISDS and Ms. Wiegand responded that it is 150'.

Mr. Len Bradley of DiPrete Engineering stated that there are no objections to the conditions. The design of the septic system is being finalized and they will apply to RI Department of Environmental Management (RIDEM) for the permit. Ms. Wiegand asked if he had the location of ISDS on abutters and Mr. Bradley replied that he did not have that information yet.

Mr. Mercurio made a motion to accept the recommendations of the TRC and approve with conditions. Mr. Reilly seconded motion. Mr. Kelly asked the applicant to give a temporary easement for Sables Road Subdivision developer to give room to do what is needed for the culvert. Mr. Bradley stated that there would be no problem granting a temporary easement. Mr. Mercurio amended the motion to include the temporary easement for the construction of the culvert on abutting property. Mr. Reilly seconded motion. Motion passed unanimously.

Chairman Mancini stated that final approval would be delegated to the Administrative Officer. Mr. Mercurio made a motion to delegate final approval to the Administrative Officer. Mr. Reilly seconded motion. Motion passed unanimously.

b. Riverfront Major Subdivision AP 45 Lot 53 Preliminary Plan Discussion/

DOSCO, Inc. Angell Road Approval

Mr. Ranaldi stated that this is a minor subdivision of one lot into two.

The Board has until March 25, 2005 to approve, approve with conditions, or deny. A soil evaluator estimated that the seasonal high groundwater is more than 10 feet below grade. Any finished floors or basements must be set above this elevation. A major issue was sight distance. The applicant had a safety analysis done that verified that there was adequate sight distance for the proposed driveway. The Water Commission has requested a 10' water easement along the sewer easement from Angell Road to Lori Ellen Road. The TRC reviewed the plans and recommend approval with the following conditions:

- 1. The applicant must apply for and receive a preliminary wetland determination for the proposed lot area before final plan can be approved.**
- 2. A note must be included on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.**
- 3. Before a building permit is given out, the applicant must submit a sedimentation and erosion control plan to Engineering for approval.**
- 4. An open space fee of 10% of the sale price of the newly created lot or 10% of the assessed value whichever is greater be conveyed to the Town upon sale of the new lot. Please provide this note on the final plans.**
- 5. The Applicant must fix the zoning set backs for lot #1 on the final**

plans.

6. The Lincoln Water Commission has requested an additional 10' be added to the existing sewer easement traveling from Angell Road to Lori Ellen Road. This additional easement area would provide the needed area for the LWC to construct a new water line that will eliminate two existing dead-end waterlines.

Chairman Mancini asked the engineer if he was comfortable with the conditions and Ms. Layer replied that she was and so was the applicant. Ms. Layer stated that she applied for a preliminary wetlands determination. There will be a note on the plans about high groundwater elevation and she is preparing a sedimentation and erosion control plan. A 10' water easement will be added to the plans in addition to the 30' existing sewer easement. Mr. Ranaldi stated that the setbacks have been fixed on the plan.

Mr. Mercurio made a motion to accept the recommendations of the TRC and approve with conditions. Mr. Reilly seconded motion. Motion passed unanimously.

Mr. Mercurio made a motion to delegate final approval to the Administrative Officer. Mr. Reilly seconded motion. Motion passed unanimously.

c. Nafta Mills Minor Subdivision AP 34 Lot 14 Preliminary Plan

Discussion/

A. F. Homes Old River Road Approval and New River Road

Mr. Ranaldi stated that this is a subdivision of one lot into two. The property is zoned manufacturing and RS-20. The RS-20 lot is approximately 3 acres. The applicant has filed a zone change for property fronting Old River Road for a 55 and over development. The TRC has reviewed the plan and recommended the following conditions:

- 1. Access to the site is from two State highways, Old and New River Road. Any construction of new driveways will require a Physical Alteration Permit from RIDOT for access to the property.**
- 2. A note must be included on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.**
- 3. Before a building permit is given out, the applicant must submit a sedimentation and erosion control plan to Engineering for approval.**
- 4. An open space fee of 10% of the sale price of the newly created lot or 10% of the assessed value whichever is greater be conveyed to the Town upon sale of the new lot. Please provide this note of the final plans.**

Mr. Ranaldi stated that there is no problem with condition #1. No tests have been done at this time to determine the groundwater

elevation, but the applicant can construct below the elevation with the appropriate actions – waterproofing the foundation, etc. - according to the state building code to ensure that the basements are not wet. If lot is subdivided in the future, there will be no open space fees assessed. Mr. Olean questioned that and stated he would like an opinion from the Town Solicitor on that matter.

Mr. Kelly stated that they are only looking for approval to split one lot into two.

Chairman Mancini asked Ms. Wiegand about condition #2 and Ms. Wiegand responded that the building code gives the building inspector leeway to see if drainage works on a particular site. The area has flooding problems now and future development can not adversely impact abutters. Mr. Ross suggested flipping the proposition on head – if the facts support Mr. Kelly’s argument, the Board can change the conditions down the road. Chairman Mancini reminded the Board that they can issue final approval if they so desire. Mr. Kelly would like added at the end of Condition #2 “unless condition is waived by the building inspector or the Board.”

Chairman Mancini stated final approval will be delegated to the Administrative Officer. If there is a problem, the applicant can come back before the Board.

Mr. Mercurio made a motion to accept the recommendations of the

TRC and approve with conditions with the exception that the verbiage is changed in condition #2 to read: “If any such floors are proposed, a waiver of prohibition can be obtained by the building inspector. A waiver will be granted by the Administrative Officer at the recommendation of the building inspector.” There will be a 10% open space fee on the new lot as stated in condition #4. Mr. Reilly seconded motion. Motion passed unanimously.

ZONING APPLICATIONS

a. Norman Beretta AP 37 Lot 279 Zoned: RG 7

Mr. Ranaldi stated that based on zoning guidelines, each unit requires two parking spaces. The applicant is proposing garages under four units, reducing the number of required parking spots. The garages constitute valid parking. There will be additional parking for visitors. The seven units will be thinner to accommodate parking. There will be two forms on egress.

Ms. Wiegand stated that there will be roof drainage. Mr. Ranaldi stated that all concerns were addressed on the plans submitted. Mr. Reilly reviewed the plans and asked Mr. Ranaldi questions on parking. Mr. Reilly would like to see more parking spots along Building A. Mr. Olean stated that the Board can pass their concerns on to the Zoning Board regarding parking. Chairman Mancini stated

that the Board can recommend approval with the consideration of more parking spots along Building A. Mr. Ranaldi stated that the Board can request that the applicant stripe as many parking spots as possible that the asphalt area can provide.

Mr. Reilly made a motion to send to the Zoning Board the recommendation of the TRC along with the recommendation to consider additional parking spaces along Building A. Mr. Mercurio seconded motion. Motion passed unanimously.

CORRESPONDENCE/MISCELLANEOUS

Chairman Mancini mentioned that a report needs to be prepared for the Town Council by Mr. Ranaldi and himself about what the Planning Board does. He also reminded the Board about the public hearing in April for the Subdivision Regulation revisions.

There being no further business to discuss, on a motion made by Mr. Mercurio and seconded by Mr. Reilly, it was unanimously voted to adjourn. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Margaret Weigner

Attached March 23, 2005 TRC Report:

Dear Honorable Members,

On March 8, 2005 at 3:30 pm the Technical Review Committee met to review the agenda items for the March 23, 2005 Planning Board meeting. In attendance were Al Ranaldi, Kim Wiegand, Russell Hervieux, John Faile, and Peggy Weigner. Below are the Committee's recommendations:

Major Subdivision Review

- a. Lipka Subdivision AP 38 Lot 10 Preliminary Plan Discussion /
- Olida Michaud Plante Living Trust 430 Old River Road Approval**

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into three lots. The project has been elevated to a major subdivision due to the need of a waiver of the 2 ½:1 ratio requirement for each newly proposed lot. According to Section 1, Article B (41) of the Regulations, if a waiver is required for Minor Subdivision it is to be elevated and considered as a major subdivision. This issue was discussed with the applicant. The option of applying for two lots with no waivers as opposed to three lots with waivers was presented but the applicant chose to be considered as a

major land subdivision.

On January 14, 2005, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by May 14, 2005 or within such further time as may be consented to by the applicant.

The TRC and the Engineering Division have reviewed plans entitled "Master Subdivision Plan for Ruth Lipka, Zoned RL-9, AP 38 Lot 10 located on Old River Road, Lincoln Rhode Island, prepared by Andrews Survey & Engineering, Inc. The plans contain all the information required for Preliminary Plan level as required in the September 2001 Town of Lincoln Land Development & Subdivision Regulations.

The TRC has identified three concerns relating to this project. The concerns are the determination of the drainage ditch, the waiver of the 2 ½:1 ratio, and the sight distance for proposed lot #3. The TRC has reviewed each concern and feels that the applicant has successfully addressed each issue. The issue of the 2 ½:1 waiver must be discussed and debated by the Planning Board.

The applicant applied for and received RIDEM approval for the proposed activity next to the wetland. This approved plan must be

submitted to the Town. The TRC feels that due to the unique characteristics of the land and the make up of the surrounding neighborhood, the 2 ½ to 1 waiver would be in order and reasonable. Proposed Lot 3 is located at the top crest of the road. Sight distance may be a problem for a future resident. The TRC has received and reviewed the traffic study on sight distance for this lot. The applicant has designed Lot 3 with a proposed driveway as far north as possible. This configuration is acceptable to the TRC and the Traffic Engineer. As a condition of Preliminary Plan approval, the proposed driveway location must be described and restricted in the new deed. During the last TRC meeting, the Lincoln Water Commissioner reviewed the submitted plans and requested the applicant to grant a 20 foot waterline easement from the end of "upper" Central Street to the end of "lower" Central Street. The Lincoln Water Commission has been working with all new developments to try to eliminate dead ends of the waterlines. Waterlines that loop provide for better water pressure and quality. The Commissioner feels that actually developing this easement would be difficult due to the wetlands but would like to have the option available if needed in the future. The easement would not disturb the buildable areas designated on the existing plans and could also serve as the access to the cemetery. The applicant is in favor of granting this easement.

Based on the ongoing Technical Review Committee review and discussions about this proposed project and comments expressed during the public hearing, the TRC recommends approval with conditions for this minor subdivision. The TRC finds that this project

successfully addresses all applicable subdivision regulations and concerns presented at each review stage. The TRC also find that the project is consistent with the development of the local area and is consistent with the Comprehensive Plan. The TRC also recommends that final approval be delegated to the administrative officer. The recommended conditions of approval are:

1. An open space fee of 10% of the sale price of the newly created lots or 10% of the assessed value, which ever is greater be conveyed to the Town upon sale of the new lots.
2. The seasonal high groundwater must be assessed by a soil evaluator and witnessed by the Engineering Division at the time that the lots are built on. A condition of any approval must a note on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.
3. Each sewer connection must be approved by the Narragansett Bay Commission.
4. Each proposed driveway must receive a Department of Transportation Physical Alteration Permit.
5. The proposed driveway for Lot #3 must be described and restricted in the new deed according to the location shown on the submitted plans.
6. All recommendations from the traffic study shall be included on the final plan.
7. The applicant shall grant a 20 foot waterline easement from the end of "upper" Central Street to the end of "lower" Central Street to the Lincoln Water Commission. Public access to the cemetery can be

obtained from this easement also.

**b. Sables Road Subdivision AP 44 Lot 33 Master Plan Discussion /
- E.A. McNulty Angell and Lantern Road Approval**

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into seventeen conventional single-family lots. On March 16, 2005, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan review must be made by July 14, 2005 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practice. The last submission included a set of 10 sheets entitled "Master Plan Submission for Sables Road Subdivision," Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated September 28, 2004. Additional material received since then includes a Water and Sewer Alternative Plan by

the above engineers dated February 7, 2005 and soil evaluation logs performed by a certified soil evaluator. The Technical Review Committee has been working with the applicant and their engineer to develop the best design.

At Master Plan stage, the TRC has identified two critical concerns related to the success of this project. The concerns are the availability of public water and sewer. While there is the availability of these utilities, the Town and the applicant have been discussing an alternative that would enable a better overall public utility system. The applicant has begun to explore this alternative but has not received any preliminary assurances from the private property owners needed to construct this system. Therefore, until these concerns have been addressed, the TRC can not recommend moving on to the public informational meeting. In order to keep this project moving forward, the TRC has offered the following concerns regarding this submission.

Wetlands - The proposed subdivision requires an approval from RIDEM Wetlands as a condition of approval. Preliminary plan approval could be given subject to receiving approval from RIDEM Wetlands.

Drainage - The Town has not reviewed a drainage report for the proposed project. There is a significant potential for health and safety issues based on the existing drainage problems and seasonal high groundwater in the area. The engineer stated at the February

Planning Board meeting that they will ensure that the outlets from the detention basin on proposed lot 7 and from the detention basin on proposed lot 5 will not adversely impact the pond on Whipple Road and the wetland culvert under Lantern Road respectively. This would address a potentially significant concern since, as stated previously, the area is subject to flooding.

The developer's representatives stated that they will provide assurance that the swale in front of the proposed lots on East Lantern Road will be kept free of fill and landscaping and maintained by the property owner as a restriction on their deeds.

Groundwater - The Town Engineer did not witness the excavations; however, the engineer submitted information from a certified soil evaluator for test pits in the locations of both of the proposed detention basins and other locations. The bottom of both the detention basins appears to be set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

Sanitary sewers - The design as well as the ownership, maintenance and operation of the proposed pumping station must be arranged with the Public Works Department. The engineer for the developer has proposed to eliminate the Rollingwood pump station and replace it with a new pump station that would service the new development as well as Rollingwood. This is shown on the Water and Sewer

Alternative Plan. The Public Works Department approves of this plan for the sewers. The force main and gravity sewers in the public road and Town dedicated easements are proposed to be owned and maintained by the Town. Discussion with the private property owners which land would be needed for the easement has not been initiated by the applicant. Preliminary approval will require approval from Narragansett Bay Commission.

Public water service - The new plans do not have any public water service approvals. The developer and his engineer have looped the waterline as required by recent LWC ordinance. The Lincoln Water Commission superintendent has reviewed the plans given to the Town Engineer and has comments. Discussion with the private property owners which land would be needed for the easement has not been initiated by the applicant.

Cemetery - It appears that only filling, not excavating is proposed within 25 feet of the cemetery. The owner of the cemetery should be determined, if possible or easements associated with it. Access to the cemetery must be provided.

Traffic - The Town must be assured that there would be no safety hazards from traffic to and from the property and placement of driveways as a result of the proposed development. A vegetation clearance easement is shown on the plans to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road. The easement will need to describe the property

owners and the Town's responsibilities.

Minor Subdivision Review

a. Beck Property Subdivision AP 44 Lot 8 Preliminary Plan Discussion /

- Brian and Tracey Beck Lantern and Whipple Rd Approval

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into two conventional single-family lots. This project is in front of the Planning Board as a minor subdivision at the preliminary plan stage. The plan received Certificate of Completeness on February 15, 2005 in which the Planning Board has 65 days (April 21, 2005) to approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed development according to the Land Development and Subdivision Regulations, Minor Subdivision standards and requirements, and standard engineering practices. The plans reviewed were entitled "Preliminary Plan Application Submission", Lincoln, RI, AP 44 Lot 8, Lantern Road and Whipple Road, prepared for Brian and Tracy Beck by DiPrete Engineering Associates, Inc. dated January 2005. Based on our review of these submitted plans, the Technical Review Committee recommends Approval with Conditions for this minor subdivision. The TRC finds

that this project successfully addresses all applicable subdivision regulations and concerns presented at the pre-application stage. The TRC also finds that the project is consistent with the development of the local area and is consistent with the Comprehensive Plan. The recommended conditions of approval are:

7. Final Plans must show the abutting property owner's ISDS and well to ensure that there is proper distance between the existing and proposed systems.

8. The applicant must apply for and receive a preliminary wetland determination for the proposed lot area.

9. The applicant must provide approvals from RIDEM for the proposed wells and septic systems.

10. The developer must utilize the soil evaluations performed for the ISDS to establish the depth to seasonal high groundwater in order to determine proposed house finished floor elevation. A condition of any approval must also include as a note on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

11. Before a building permit is given out, the applicant must submit a sedimentation and erosion control plan to Engineering for approval. The sedimentation and erosion control plan submitted to RIDEM Wetlands is acceptable.

12. An open space fee of 10% of the sale price of the newly created lot or 10% of the assessed value, which ever is greater be conveyed to the Town upon sale of the new lot.

b. Riverfront Minor Subdivision AP 45 Lot 53 Preliminary Plan Discussion /

- DOSCO Inc. Angell Road Approval

This application is under the 2001 Subdivision Regulations and represents the subdivision of one lot into two lots. The plan received Certificate of Completeness on January 18, 2005 in which the Planning Board has 65 days (March 25, 2005) to approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant. The TRC and the Engineering Division reviewed the above proposed development according to the Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices.

The TRC reviewed a set of 4 sheets entitled “Preliminary Plan Submission for Riverfront Minor Subdivision,” on Angell Road, AP 45 Lot 53, in Lincoln, Rhode Island, prepared for Dosco Inc. by Commonwealth Engineers & Consultants, Inc., dated August 2004, revised 12/29/04. The Town Engineer witnessed the excavation of test pits. The applicant previously submitted a letter from Mason & Associates, Inc. a wetlands biologist and Site Evaluation Forms from a certified soil evaluator. At the Planning Board meeting on February 23, 2005, the engineer submitted a revised report entitled “Safety Analysis” dated October 26, 2004, revised February 23, 2005.

A certified soil evaluator estimated the seasonal high ground water elevations on the western most portion of the property, including the

location of the proposed lot 1. The evaluation determined that the seasonal high groundwater is more than 10 feet below grade. Any finished floors or basements must be set above this elevation. The accessible acreage meeting the minimum buildable area has been calculated and exceeds the square footage for this zoning district. These areas are based on the exclusion of wetland areas delineated by Mason & Associates, Inc. The proposed subdivision must obtain a RIDEM Wetlands Preliminary Determination permit as a condition of approval for subdivision.

Since the grade of Angell Road north of the property becomes steep and makes a sharp turn at the northern end of the property, limiting sight distance, it was necessary to require that a driveway placed for the proposed lot 1 was safely located. The following analysis was reviewed and the sight distance was verified in the field. Based on these, the Engineering Division has concluded that adequate sight distance is available. The appropriate Town officials have reviewed the plans and concluded that public sewer and water are available. The Lincoln Water Commission has requested an additional 10' be added to the existing sewer easement traveling from Angell Road to Lori Ellen Road. This additional easement area would provide the needed area for the LWC to construct a new water line that will eliminate two existing dead-end waterlines.

Based on the TRC review of the submitted plans and supporting materials and the above comments, the TRC recommends Approval with Conditions for this minor subdivision. The conditions for approval are list below.

7. The applicant must apply for and receive a preliminary wetland determination for the proposed lot area before final plan can be approved.

8. A note must be included on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

9. Before a building permit is given out, the applicant must submit a sedimentation and erosion control plan to Engineering for approval.

10. An open space fee of 10% of the sale price of the newly created lot or 10% of the assessed value whichever is greater be conveyed to the Town upon sale of the new lot. Please provide this note of the final plans.

11. The Applicant must fix the zoning set backs for lot 1 on the final plans.

12. The Lincoln Water Commission has requested an additional 10' be added to the existing sewer easement traveling from Angell Road to Lori Ellen Road. This additional easement area would provide the needed area for the LWC to construct a new water line that will eliminate two existing dead-end waterlines.

b. Nafta Mills Minor Subdivision AP 34 Lot 14 Preliminary Plan Discussion /

**- A.F. Homes Old River Road and Approval
New River Road**

This application is under the 2001 Subdivision Regulations and

represents the subdivision of one lot into two lots. The plan received Certificate of Completeness on March 10, 2005 in which the Planning Board has 65 days (May 14, 2005) to approve the preliminary plan as submitted, approve with changes and/or conditions, or deny the applicant. The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the Land Development and Subdivision Regulations standards and requirements and standard engineering practices. The plans reviewed were a set of two sheets each entitled “Nafta Mills, AP 34 Lot 14”, Lincoln Rhode Island, prepared for A.F. Homes by Cataldo Associates, Inc., issue date February 22, 2005.

Public sewer and water are available in Old River Road and New River Road. Although the subdivision is proposed without site specific plans, there does not appear to be any known engineering impediment to this subdivision at this point in time. Therefore, the Technical Review Committee recommends Approval with Conditions of this minor subdivision project. The conditions are listed below.

5. Access to the site is from two State highways, Old and New River Road. Any construction of new driveways will require a Physical Alteration Permit from RIDOT for access to the property.

6. A note must be included on the final plans that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

7. Before a building permit is given out, the applicant must submit a sedimentation and erosion control plan to Engineering for approval.

8. An open space fee of 10% of the sale price of the newly created lot

or 10% of the assessed value whichever is greater be conveyed to the Town upon sale of the new lot. Please provide this note of the final plans.

The following comments are offered to guide any future development.

Environmental - According to Sarah DeStefano of the RIDEM Office of Waste Management, this site has undergone planning for environmental remediation for contamination left by the former use as a mill. At present, the site has a Settlement Agreement approved by RIDEM that allows the reuse as an industrial or commercial site if the cleanup is completed in accordance with approved plans. The site is not approved for residential use.

Sanitary Sewers - According to the Sewer Supervisor, there is a relatively new line from Old River Road on the westerly half of the property to an old flow metering station that connects to an older sewer line that discharges to sewers in New River Road and ultimately to the Narragansett Bay Commission's sewer interceptor. There is capacity in the lines; however, with any proposed new construction at the site, the metering station must be removed. Also, the older line must be televised, evaluated and repairs made to it as necessary in order to ensure its proper functioning.

Water - The Lincoln Water Commission has been contacted. A letter from the superintendent states that public water is available, subject

to final project approval. According to the superintendent of water, the site may have old services that were not disconnected. These must be investigated. All existing lines must be correctly shown on the plans and ensured that they are properly disconnected.

The site drains to Mussey Brook, which crosses through the residential neighborhood to the south. This area has experienced localized flooding problems. Careful design of any drainage facilities must include mitigation of adverse impacts from increased water quantity, as well as water quality and peak rate of flow.

April Zoning Applications

Kiran Patel, 33 Russell Avenue, Attleboro, MA/Gail Boudreau, 3 Briar Hill Road, North Providence, RI - Special Use Permit for the manufacturing of epoxies, silicone and urethane at property located at 1 Industrial Circle, Lincoln, RI.

AP 1, Lot 167 Zoned: MG 05

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Committee's greatest concern regarding this proposal was the use of hazardous chemicals. The applicant attended the TRC meeting and fully explained the proposed business. According to the applicant, regulation of the use, storage, transportation, and disposal of the chemicals is highly regulated by the State and Federal government. In this regard, the applicant offered to the TRC, a copy of the

company's respiratory protection program, safety training program, hazardous material management program, hazard communication program, fire emergency plan, chemical hygiene plan, chemical spill response plan, as well as a full description of the company's protective equipment. Based on the newly submitted information and the applicant's presentation, the Technical Review Committee recommends Approval of this special use permit. The TRC feels that granting this special use permit will not alter the general character of the surrounding area nor impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Norman Beretta, 869 Smithfield Avenue, Lincoln, RI – Special Use Permit for the construction of seven condominium units on Central Street and Old Main Street, Manville, RI.

AP 37, Lot 279 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the revised site plans and application. The Committee's greatest concern regarding this proposal is the functionality of the parking lot layout. The revised site plan shows parking dimensions and layout. The applicant has also added garages to the units which reduced the number of parking spots required. Therefore, based on the submitted revised site plans and the application, the Technical Review Committee recommends Approval of this special use permit. The TRC feels that granting this special use permit will not alter the general character of the surrounding area nor impair the intent or

purpose of the Zoning Ordinance, nor the Comprehensive Plan.

Nancy E. Rossiter, 11 Sunview Street, Lincoln, RI – Appeal of Planning Board Decision on Minor Subdivision for Seminole Development on Sunview Street, Lincoln, RI

AP 13, Lot 31 Zoned: RL-9

The Technical Review Committee has reviewed the submitted application for appeal of the above noted subdivision. The TRC have reviewed the project file, Planning Board minutes, and 2001 Land Development and Subdivision Regulations. Based on this review, the TRC feels that the Planning Board and the applicant have followed the procedure outlined in the Subdivision Regulations. Therefore, the TRC feels that this appeal is without merit.

The TRC identified three issues that they would like to offer some clarification to the Planning Board of Appeal.

1. The submitted notice of appeal stated that “the only notice sent to my client and other abutters mistakenly listed the type of subdivision review that was before the Board as a “Minor” subdivision review when in fact the matter before the Board was a “Major” subdivision review. Notice to all of the abutters was thus insufficient and misleading.” The TRC has reviewed the notice sent to abutters and posted in the newspaper against the requirements stated in Section 19 of the Subdivision Regulations. Please refer to Section 19 for the full text. The TRC concludes that the notice fulfills the requirements

of Section 19 and the Subdivision Regulations. Attached is a copy of the notice sent to the abutters.

2. Paragraph 6 of the submitted notice of appeal discussed the lack of “no reason/evidence supporting a claim of undue hardship or deprivation of all beneficial use was ever set forth by the applicant”. Applicants for the subdivision of land within the Town of Lincoln do not have to present a reason or evidence supporting a claim of undue hardship or deprivation of all beneficial use for any proposed subdivision of land. The above standard is used during the review of certain zoning applications.

3. Paragraphs 8–10 discuss discrepancies in the submitted plans and plans on record. As with all projects, the TRC looks for subdivision plans stamped by a Rhode Island registered professional land surveyor. These plans contain the stamp of a professional land surveyor. Therefore, the TRC defers to the registered professional land surveyors stamp which signifies that the development of the plan complies with the procedures and standards as adopted by the Rhode Island Board of Registration for Professional Land Surveyors.